

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

CORRECTIONAL OFFICERS ASSOCIATION OF DELAWARE,	:	
	:	
Charging Party,	:	
v.	:	Unfair Labor Practice
	:	
STATE OF DELAWARE, DEPARTMENT OF CORRECTION,	:	<u>Charge 09-03-671</u>
	:	
Respondent.	:	

ORDER OF DISMISSAL

1. The State of Delaware (“State”) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act (“Act”), 19 Del.C. Chapter 13 (1994). The Delaware Department of Correction (“DOC”) is an agency of the State.

2. The Correctional Officers Association of Delaware (“COAD”) is an employee organization within the meaning of §1302(i) of the Act and is the exclusive bargaining representative of a bargaining unit of DOC uniformed employees (as defined in DOL Case 1) within the meaning of §1302(j) of the Act.

3. On or about March 26, 2009, COAD filed an unfair labor practice charge alleging that DOC violated 19 Del.C. §1307(a)(5) and/or (6), ¹ by unilaterally changing its policy on promotions and transfers and applying the unilaterally implemented change to bargaining unit employees.

¹ 19 Del.C. §1307(a): It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (5) Refuse to bargain collective in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.
- (6) Refuse or fail to comply with any provision of this chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this Chapter.

4. On or about April 6, 2009, the State filed its Answer denying all material allegations of the Charge. It further asserted under New Matter that the Charge was untimely.

5. On or about April 15, 2009, COAD filed its Response to New Matter, denying the asserted defense to the Charge.

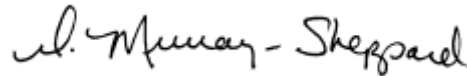
6. Thereafter, the Charge was held in abeyance while the parties were engaged in negotiations for a collective bargaining agreement.

5. By letter dated May 26, 2010, COAD advised PERB “the parties have reached a tentative agreement and, pursuant to an agreement by the parties, the Union requests this matter be withdrawn.”

WHEREFORE, the Charge is hereby dismissed.

IT IS SO ORDERED.

DATE: May 31, 2010



DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.